

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

STIPULATED AGREEMENT No. 984

702-0103

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", Norfolk Southern Railway Company, hereinafter referred to as the "Company", the Road District No. 3 of Wabash County, hereinafter referred to as the "Road District", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through written correspondence that inquiry should be made into the matter of improving public safety at the crossing of the Company's tracks with a public highway known as TR 96 located near the City of Mount Carmel, Wabash County, Illinois, designated as crossing DOT 724 838J, milepost 146.98 A; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a member of the Commission's Rail Safety Section staff; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law (Fund") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

DOCKETED

- a) the installation of automatic flashing light signals and gates controlled by constant warning time circuitry.

Section 3 The Company has prepared a preliminary estimate of cost to accomplish the proposed improvement which it may be required to perform, said estimate is attached as Exhibit B, and shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvement for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvement, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) The cost for the warning device installation as set forth in Section 2(a), estimated to be \$189,500, should be divided 70% to the Department utilizing Federal funds (not to exceed \$132,650), 30% to the Fund (not to exceed \$56,850), with all remaining installation costs and all future maintenance and operation costs for the new warning devices should be paid for by the Company.

Section 6 Special Provisions. In view of the fact that federal funding is being utilized for the warning device improvement, all such work shall be governed by applicable provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide, adopted December 9, 1991.

Since railroad crews will perform the warning device improvement at the subject crossing, no flagging or contractor liability insurance will be required for said work.

The Company shall file a written report with the Director of Processing and Information, Transportation Division of the Commission, within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures of the project and the percentage of completion of the project; if the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures related to the installation of the automatic warning devices at the TR 96 crossing, authorized to be reimbursed from the Grade Crossing Protection Fund,

shall be submitted to Mr. Henry Cronister, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from the Fund shall be clearly marked "Final Bill". All bills shall be submitted no later than twelve (12) months from the date of completion as set forth in the Commission Order subsequent to this Agreement. The Department shall, at the end of the 12<sup>th</sup> month from the Commission Order completion date, de-obligate all residual funds accountable for the cost of the warning device installations for this project.

The Company shall at six (6) month intervals from the date of the Order subsequent to this Agreement until the project has been completed, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress it has made toward completion of the their work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order subsequent to this Agreement, crossing information (the name, title, mailing address, telephone number, and facsimile number of the Company employee responsible for management of their portion of the project).

Section 7 This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

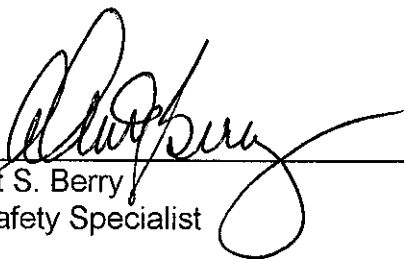
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 14<sup>th</sup> day of August, 2002.



Michael E. Stead  
Railroad Safety Program  
Administrator

Attest:



Robert S. Berry  
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 984 concerning improvements at the crossing of the track of the Norfolk Southern Railway Company with TR 96, located near the City of Mount Carmel, Wabash County, designated as crossing AAR/DOT 724 838J, milepost 146.98 A.

Executed by the Company this 13<sup>th</sup> day of September, 2002.

*taj*  
NORFOLK SOUTHERN RAILWAY COMPANY

By: *HR Constick*  
General Manager

Attest:

  
Assistant Corporate Secretary

Illinois Commerce Commission Stipulated Agreement No. 984 concerning improvements at the crossing of the track of the Norfolk Southern Railway Company with TR 96, located near the City of Mount Carmel, Wabash County, designated as crossing AAR/DOT 724 838J, milepost 146.98 A.

Executed by the Department this 2nd day of October, 2002.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: James R. Easterly, Jr.  
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 984 concerning improvements at the crossing of the track of the Norfolk Southern Railway Company with TR 96, located near the City of Mount Carmel, Wabash County, designated as crossing AAR/DOT 724 838J, milepost 146.98 A.

Executed by Road District No. 3 this 4TH day of OCTOBER, 2002.

ROAD DISTRICT NO. 3 OF WABASH COUNTY

By: Scott Bishop

Attest:

Gordon Kirkman



STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT SURVEY FORM

RR/Line Norfolk Southern Milepost 146.98 A Inventory# 724.838.J

City Near Mount Carmel Street TR 96 County Wabash

Jurisdiction Road District No. 3 Urban    Rural X Commercial    Residential X

Street Surface Oil and Chip Width 18 feet Condition Good

Angle 80° Tracks Tangent    Degree of Curve    Superelevation   

Depth of Cut    Height of Fill   

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>T/A</u>	<u>24'</u>	<u>Good</u>
<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>

\* Timber and asphalt crossing surface

Intersecting Roads 100' No 200' No

Traffic Control Devices Present No

ADT 275 Speed 55 mph (not posted) Statewide Yes

School Buses    Hazardous Materials Farm Chem Other   

Rail Traffic: Frt. 12 @ 50 mph Pass.    @    mph Switch   

Simultaneous Movements No Daylight and Dark Yes

Existing Warning Devices Crossbuck Signs

Advance Warning Signs Yes Pavement Marking No



## Visibility Study

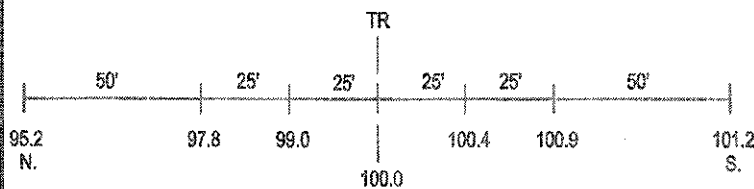
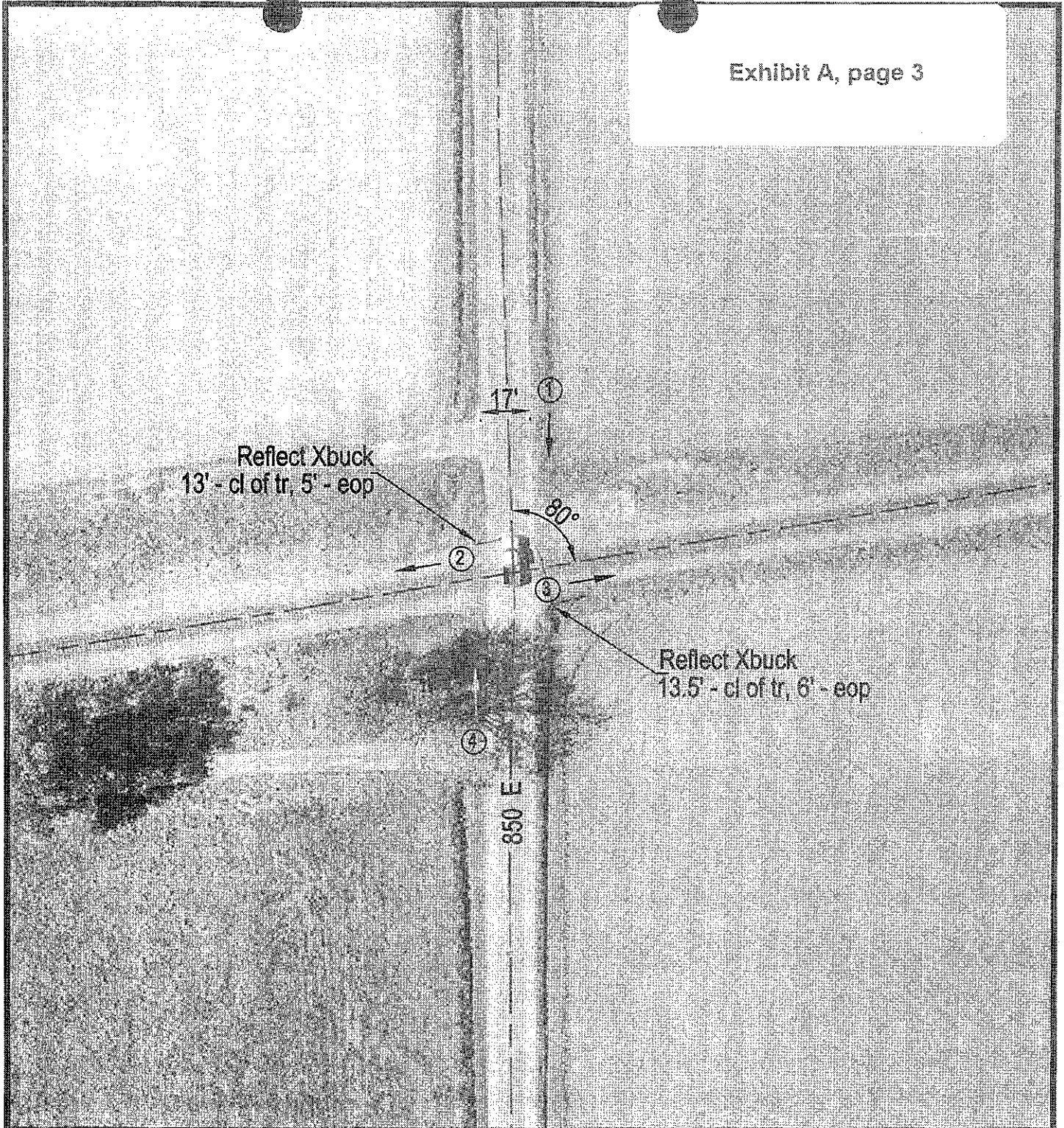
Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		N/A	
NW	N/A		N/A	
SE	N/A		N/A	
SW	N/A		N/A	

### Approach Grades

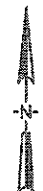
North \* ' % ' % ' %  
South \* ' % ' % ' %

\* Meets the requirements of 92 Illinois Administrative Code 1535.204

Comments: This crossing meets the minimum criteria for the installation of automatic flashing light signals and gates. (the product of the daily train and vehicular traffic exceeds 3,000)



ROAD PROFILE



SCALE IN FEET



③ Photo Location

Crossing #: 724838J

Location: Wabash Co., City of Mt. Carmel (N)

Lat/Long: 38°24'12" / 87°49'38"

Railroad: NS

Street: 850 E

Railroad Milepost: 146.98

Crossing Protection: Signs

15-May-02

**Round Figure Estimate for Grade Crossing Warning Devices**

City/State: MT. CARMEL, IL	Road: CR-850E / TR-96
MilePost: 146.98-W	DOT/AAR: 724838J
State Proj. No.:	County: WABASH
S&E Proj. 04.0448	AFE:
Man Days: 128	File Number: 061-04.483

**\*\*\*Purchases - Other\*\*\***

Meals and Lodging:	\$10,200.00	
Rental of Equipment:	\$22,300.00	
(2 Trucks, 1 Backhoe w/ Trailer and 1 Pipe-Pusher for 32 Days)		
Construction Supervision Vehicle:	\$420.00	
Contingencies:	\$550.00	
Purchases - Other Total:		\$33,470.00

**\*\*\* Material and Additives\*\*\***

Material Cost:	\$78,950.00	
Sales and Use Tax:	\$3,950.00	
Material Handling &	\$7,500.00	
Material Total:		\$90,400.00

**\*\*\*Labor and Additives\*\*\***

Labor Cost:	\$26,240.00	
(4 man crew at \$820.00 a day for: 32 days)		
Payroll Tax && Overheads:	\$22,720.00	
Preliminary Engineering:	\$9,260.00	
Construction Supervision:	\$7,410.00	
Labor Total:		\$65,630.00
Subtotal:		\$189,500.00
Credit:		\$0.00
(Salvage/Scrap)		
Project Total:		\$189,500.00

Estimated on: 15-May-02

Estimated by: rhray

**Estimate valid for 1 year from date of estimate**

**Exhibit B**